

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

TECH-TRONIX, INC.,

CASE NO.

Judge
Magistrate

03 - 2013 4

Plaintiff,

vs.

DENNY HECKER AUTO GROUP, a
Minnesota corporation, MICHAEL MILLER,
MICHAEL NICHOLS, NICHOLS MEDIA
CONSULTANTS, Inc., a South Dakota corporation,

Defendants.

CIV. SEITZ
MAGISTRATE JUDGE
BANDSTRA

COMPLAINT

Plaintiff, Tech-Tronix, Inc., an Antigua corporation, by and through its undersigned attorneys, hereby files its complaint against Defendants, Denny Hecker Auto Group, a Minnesota corporation, Michael Miller, Michael Nichols and Nichols Media Consultants, Inc. and alleges:

PARTIES

1. Plaintiff, Tech Tronix, is a corporation organized under the laws of Antigua, and maintains its principal office in Miami-Dade County, Florida.
2. Defendant, Denny Hecker Auto Group, is upon information and belief, a corporation licensed under the laws of Minnesota and is conducting business in the State of Minnesota and conducted business with Tech-Tronix in the State of Florida.

PH
/

3. Defendant, Michael Miller, is an individual and upon information and belief, is a resident of the State of Minnesota and at all times material hereto, conducted business with Tech Tronix in Miami-Dade County, Florida.

4. Defendant, Nichols Media Consultants, Inc. is, upon information and belief, a South Dakota corporation and at all times material hereto, unlawfully reproduced copyrighted material and further conducted business with the Denny Hecker Auto Group.

5. Defendant, Michael Nichols, is an individual who, upon information and belief, unlawfully reproduced copyrighted material and further conducted business with the Denny Hecker Auto Group.

6. Plaintiff, Tech Tronix, and Defendants Denny Hecker and Miller, are citizens of different states, Florida and Minnesota respectively and Defendant Michael Nichols and Nichols Media Consultants, Inc. are citizens of South Dakota.

JURISDICTION AND VENUE

7. This court has original jurisdiction of the action pursuant to 28 U.S.C. Section 1333 (8) inasmuch as it is a civil action arising under the United States Copyright Act, United States Code Title 17, Sections 101 *et. seq.*, in a breach of an agreement consenting the jurisdiction in United States District Court, Southern District of Florida.

8. Venue is proper pursuant to 28 U.S.C. Section 1391 inasmuch as Defendants have transacted business with the Plaintiff in the State of Florida and the acts and omissions of Defendant occurred in the State of Florida in this district, together with the agreement executed by Michael Miller consenting to venue in the United States District Court, Southern District of Florida.

GENERAL ALLEGATIONS

9. Plaintiff is engaged in the business of producing informational audio/video taped commercials related to the sale and credit sales of automobiles under the trade name "Tech-Tronix." It is the lawful assignee and licensee of the copyrighted material that is the subject matter of this action. On or about February 10, 1997, Plaintiff as assignee of Rachelle Sanborn, complied, in all respects, with the copyright laws of the United States and all other laws thereof governing copyrights and secured the exclusive rights and privileges in and to the informational commercial ("infomercial") identified as the Auto Credit 2000 Infomercial.

10. Plaintiff, as assignee of Rachelle Sanborn, received from the Register of Copyrights, a Certificate of Registration dated effective February 10, 1997 and attached hereto and incorporated herein as Exhibit "A." Plaintiff has been and still is the proprietor of all rights, title and interest in and to the above copyright.

11. On or about October 19, 1998, Plaintiff, as assignee of Rachelle Sanborn, complied, in all respects, with the copyright laws of the United States and all other laws thereof governing copyrights, and secured the exclusive rights and privileges in and to the infomercial identified as "National Credit Drive."

12. Plaintiff, as assignee of Rachelle Sanborn, received from the Register of Copyrights a Certificate of Registration, with an effective date of October 19, 1998 and attached hereto and incorporated herein as Exhibit "B." Plaintiff has been and still is the proprietor of all rights, title and interest in and to the above copyright.

13. The infomercials identified above contain a large amount of material wholly original with the Plaintiff, which includes video production and written scripts for

text. At all times material hereto, the Auto Credit 2000 infomercial has been published, broadcast and telecast on behalf of Plaintiff's customers throughout the United States.

14. Since October 19, 1998 and at all times material hereto, Plaintiff has published, broadcast and telecast the infomercial "National Credit Drive" for its customers throughout the United States. Since October 19, 1998, Plaintiff has been and still is the sole proprietor of all rights, title and interest in and to the copyright for the infomercial "National Credit Drive."

15. On or about July 18, 1998, Michael Miller, individually and as authorized agent of Denny Hecker Auto Group, entered into an agreement with Plaintiff d/b/a Tech-Tronix, Inc., for the use and production of the National Credit Drive infomercial to be broadcast through Minneapolis, Minnesota television market.

16. After October 19, 1998, Defendants Michael Miller, Denny Hecker Auto Group, Michael Nichols and Nichols Media Consultants, Inc. infringed the copyright held by Plaintiff producing, broadcasting and telecasting upon the United States national media market an infomercial identical to the National Credit Drive infomercial entitled "Keys to Financial Freedom." A copy of the Plaintiff's copyright National Credit Drive infomercial is attached hereto and incorporated herein as Exhibit "1." A copy of the Defendants infringing infomercial entitled "Keys to Financial Freedom" is attached hereto and incorporated herein as Exhibit "2." Both exhibits are in VHS format.

17. Plaintiff discovered the violations on or about February 10, 2000. Prior to the commencement of this action, Plaintiff notified Defendants that Defendants have infringed the copyright of the Plaintiff. A copy of Plaintiff's demand dated April 14,

2000 is attached hereto and incorporated herein as Exhibit "C." Despite demand, Defendants have failed and refused to cease and desist infringing on the copyright.

18. At all times material hereto, and continuously since through the present date, Defendants have been producing, selling, marketing, broadcasting and telecasting its infomercials patterned after the copyrighted National Credit Drive, all in violation of Plaintiff's copyright.

19. Plaintiff has performed all conditions precedent and necessary for the maintenance of this action.

20. Plaintiff has retained the undersigned attorneys to represent it in this matter and is entitled to reimbursement of its attorney fees and costs pursuant to 17 U.S.C. Section 101 *et. seq.*

COUNT I – INJUNCTIVE RELIEF

21. This is an action to enjoin infringement of a copyright.

22. Plaintiff readopts and realleges its allegations contained in paragraphs 1 through 20 above as though fully set forth herein.

23. At all times material hereto, Defendants had produced, sold, marketed, broadcast and telecast infomercials reproduced largely from Plaintiff's copyrighted infomercial known as "National Credit Drive" and "Auto Credit 2000."

24. As a result of the acts and omissions of the Defendants herein, Plaintiff has suffered and will continue to suffer irreparable harm and damage.

WHEREFORE, Plaintiff demands:

a. That Defendants, agents and representatives, be enjoined during the pendency of this action and permanently from infringing the copyright of Plaintiff in

any manner and from publishing, producing, selling, marketing, telecasting, broadcasting or otherwise disposing of any copies of the infomercials known as the "Keys Financial Freedom" or other infomercials similarly produced and marketed;

b. That Defendants be required to pay Plaintiff such damages that Plaintiff has sustained in consequence of Defendants' infringement of copyright;

c. That Defendants account for all gains, profits and advantages derived by Defendants by their infringement of Plaintiff's copyright, or such other damages that the court deems just and proper in the provisions of the United States copyright laws, but not less than \$100,000.00;

d. Defendants be required to deliver all copies of infomercials in their possession or under their control infringing the copyright, including but not limited to all customer lists that have been sold said infomercials;

e. That the Defendants pay Plaintiff its costs of this action and reasonable attorney fees; and

f. Any other relief that this court deems just and proper.

COUNT II – UNFAIR COMPETITION DAMAGES

25. This is a cause of action for damages in excess of \$100,000.00.

26. Plaintiff reavers and realleges its allegations contained in paragraphs 1 through 6 above as though fully rewritten herein.

27. Prior to 1997, Plaintiff went to great expense and effort in developing and designing infomercials entitled "Auto Credit 2000" and "National Credit Drive."

28. These infomercials created, written and produced by the Plaintiff, create a unique opportunity for automobile dealers and trades people to sell and market automobiles to consumers to be sold on credit.

29. Plaintiff has produced and sold its copyrighted infomercials, which has specifically adapted to the name and location of the dealer, but in all other respects filed the same format identity and marketing pattern copyrighted by Plaintiff. Since 1997, Plaintiff developed a strong national base of customers inasmuch as its copyrighted infomercials greatly aid in the sale of automobiles to consumers using credit.

30. As a result of Plaintiff's expenditure of money, skill and efforts in the development of its copyrighted infomercials, Plaintiff's infomercials have acquired a substantial market value in the infomercial and automobile trade.

31. Defendants' copy of the copyrighted design as identified in Exhibit "1" attached hereto and incorporated herein, is unmistakably from Plaintiff's infomercial attached hereto and incorporated herein as Exhibit "2."

32. Defendants, by their acts, have taken advantage of the knowledge and skill of the Plaintiff and the good will developed by Plaintiff and have capitalized on the market created by Plaintiff for its infomercials.

33. By copying and offering either at no cost demo or for sale its copy of the copyrighted infomercials, at the very same time Plaintiff was selling its original infomercials, Defendants have created and taken advantage of the confusion of the infomercials in the trade and in the public mind to reach profit at the Plaintiff's damage.

34. The acts of Defendants in publishing, producing, marketing, telecasting and broadcasting largely similar infomercials of the Plaintiff's copyrighted infomercial,

constitutes an equitable conduct, unfair trade practices and unfair competition and that Defendants have misappropriated Plaintiff's good will and the benefits of Plaintiff's skill and expenditures in the development and promotion of the distinctive infomercials. Consequently, Defendants have caused Plaintiff damages and said damages will continue so long as Defendants continue to market the copied infomercials.

WHEREFORE, Plaintiff demands that this court enter a judgment for damages against Defendants for each copyright violation pursuant to 17 USC Section 101, et seq, and other applicable laws, costs of this action and reasonable attorney fees, and for such other and further relief that this court deems just and proper.

COUNT III – ACCOUNTING

35. This is an action for an accounting.

36. Plaintiff realleges and reavers its allegations contained in paragraphs 1 through 6 as though fully rewritten herein.

37. Defendants have produced, sold and marketed infomercials copies from the Plaintiff's copyrighted infomercials known as Auto Credit 2000 and National Credit Drive, causing Plaintiff damages.

38. For every violation of the copyright by Defendants, Plaintiff is entitled to damages including but not limited to lost profits, loss of good will, diminution of value, dilution and over-saturation of the copyrighted design in the trade.

39. Pursuant to United States copyright laws and a result of the acts and omissions of the Defendants, Plaintiff is entitled to know of each and every violation and of all sales currently infringing infomercials performed by the Defendants. Defendants have never rendered a complete accounting of the violations that have occurred nor of the

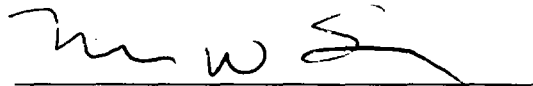
sales or the delivery of free copies of infringing infomercials performed by Defendants.

Plaintiff has no adequate remedy at law governing an accounting.

WHEREFORE, Plaintiff demands judgment as follows:

- a. Defendants be directed to account to Plaintiff for all funds and property received by Defendants related to the sale of infringing infomercials;
- b. Defendants be required to account for all of its acts and doings in connection with the production of infringing infomercials;
- c. Plaintiff have judgment against the Defendants jointly and severally for any sum or balance found to be due from Defendants; and
- d. Plaintiff be granted such other and further relief that this court deems just and proper.

Dated: January 21, 2003.

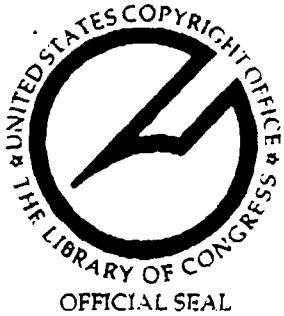


Michael W. Simon, Esq.
Florida Bar No. 776394
Simon Sigalos & Spyredes
120 E. Palmetto Park Road, Suite 100
Boca Raton, Florida 33432
(561) 447-0017

FROM : Christopher Ad Group

PHONE NO. : 305 663 9262

Apr. 25 2000 21:50PM P3

CERTIFICATE OF REGISTRATION

This Certificate issued under the seal of the Copyright Office in accordance with title 17, United States Code, attests that registration has been made for the work identified below. The information on this certificate has been made a part of the Copyright Office records.

Marybeth Peters
REGISTER OF COPYRIGHTS
United States of America

FORM PA
UNITED STATES COPYRIGHT OFFICE
REGISTRATION NUMBER

PA 847-897



EFFECTIVE DATE OF REGISTRATION

FEB 10 1997
Month Day Year

DO NOT WRITE ABOVE THIS LINE. IF YOU NEED MORE SPACE, USE A SEPARATE CONTINUATION SHEET.

TITLE OF THIS WORK ▼

AUTO CREDIT 2000

PREVIOUS OR ALTERNATIVE TITLES ▼

NATURE OF THIS WORK ▼ See instructions

Informational commercial audio/video tape

NAME OF AUTHOR ▼

Rachelle Sanborn

DATES OF BIRTH AND DEATH

Year Born ▼

Year Died ▼

1965

Was this contribution to the work a "work made for hire"? ☐ Yes ☒ No

AUTHOR'S NATIONALITY OR DOMICILE

Name of Country

OR Citizen of ▼ U.S.A.

OR Domiciled in ▼ U.S.A.

WAS THIS AUTHOR'S CONTRIBUTION TO THE WORK

Anonymous? ☐ Yes ☒ NoPseudonymous? ☐ Yes ☒ No

If the answer to any of these questions is "Yes," see the instructions.

NATURE OF AUTHORSHIP Briefly describe nature of the material created by this author in which copyright is claimed. ▼

Entire work

NAME OF AUTHOR ▼

DATES OF BIRTH AND DEATH

Year Born ▼

Year Died ▼

Was this contribution to the work a "work made for hire"? ☐ Yes ☒ No

AUTHOR'S NATIONALITY OR DOMICILE

Name of Country

OR Citizen of ▼

OR Domiciled in ▼

WAS THIS AUTHOR'S CONTRIBUTION TO THE WORK

Anonymous? ☐ Yes ☒ NoPseudonymous? ☐ Yes ☒ No

If the answer to any of these questions is "Yes," see the instructions.

NATURE OF AUTHORSHIP Briefly describe nature of the material created by this author in which copyright is claimed. ▼

NAME OF AUTHOR ▼

DATES OF BIRTH AND DEATH

Year Born ▼

Year Died ▼

Was this contribution to the work a "work made for hire"? ☐ Yes ☒ No

AUTHOR'S NATIONALITY OR DOMICILE

Name of Country

OR Citizen of ▼

OR Domiciled in ▼

WAS THIS AUTHOR'S CONTRIBUTION TO THE WORK

Anonymous? ☐ Yes ☒ NoPseudonymous? ☐ Yes ☒ No

If the answer to any of these questions is "Yes," see the instructions.

NATURE OF AUTHORSHIP Briefly describe nature of the material created by this author in which copyright is claimed. ▼

YEAR IN WHICH CREATION OF THIS WORK WAS COMPLETED This information must be given in all cases.

1996

4 Year

DATE AND NATION OF FIRST PUBLICATION OF THIS PARTICULAR WORK

Complete this information ONLY if this work has been published.

Month ▼ Day ▼ Year ▼

U.S.A.

COPYRIGHT CLAIMANT(S) Name and address must be given except if the claimant is the author given in space 2 ▼

Rachelle Sanborn
3900 S.W. 95th Street
Miami, Florida 33155

TRANSFER OF CLAIMANT'S NAME HERE TO SPACE 2 AND IN SPACE 2 give a brief statement of how the transfer was made.

MORE ON BACK ▼

RECEIVED
FEB 10 1997
DEPOSIT RECEIVED
FEB 10 1997
DEPOSIT RECEIVED
FEB 10 1997

DO NOT WRITE HERE

Apr. 26 2000 01:51PM P4
UKIM 1A
For a Literary Work
UNITED STATES COPYRIGHT OFFICE
REGISTRATION NUMBER

TX TXU
EFFECTIVE DATE OF REGISTRATION

Month Day Year

DO NOT WRITE ABOVE THIS LINE. IF YOU NEED MORE SPACE, USE A SEPARATE CONTINUATION SHEET.

1 TITLE OF THIS WORK ▼

AUTO CREDIT 2000

PREVIOUS OR ALTERNATIVE TITLES ▼

PUBLICATION AS A CONTRIBUTION If this work was published as a contribution to a periodical, serial, or collection, give information about the collective work in which the contribution appeared Title of Collective Work

If published in a periodical or serial give Volume Number Issue Date On Pages

2 NAME OF AUTHOR ▼

a Rachelle Sanborn

DATES OF BIRTH AND DEATH

Year Born Year Died

1965

Was this contribution to the work a "work made for hire"?

☐ Yes

☒ No

AUTHOR'S NATIONALITY OR DOMICILE

Name of Country

OR Citizen of U.S.A.

Domiciled in U.S.A.

WAS THIS AUTHOR'S CONTRIBUTION TO THE WORK

Anonymous? ☐ Yes ☒ No

Pseudonymous? ☐ Yes ☒ No

If the answer to either of these questions is "yes," see detailed instructions.

NATURE OF AUTHORSHIP Briefly describe nature of material created by this author in which copyright is claimed.

Transcript for informational commercial

NAME OF AUTHOR ▼

b

DATES OF BIRTH AND DEATH

Year Born Year Died

Was this contribution to the work a "work made for hire"?

☐ Yes

☐ No

AUTHOR'S NATIONALITY OR DOMICILE

Name of Country

OR Citizen of

Domiciled in

WAS THIS AUTHOR'S CONTRIBUTION TO THE WORK

Anonymous? ☐ Yes ☐ No

Pseudonymous? ☐ Yes ☐ No

If the answer to either of these questions is "yes," see detailed instructions.

NATURE OF AUTHORSHIP Briefly describe nature of material created by this author in which copyright is claimed.

NAME OF AUTHOR ▼

c

DATES OF BIRTH AND DEATH

Year Born Year Died

Was this contribution to the work a "work made for hire"?

☐ Yes

☐ No

AUTHOR'S NATIONALITY OR DOMICILE

Name of Country

OR Citizen of

Domiciled in

WAS THIS AUTHOR'S CONTRIBUTION TO THE WORK

Anonymous? ☐ Yes ☐ No

Pseudonymous? ☐ Yes ☐ No

If the answer to either of these questions is "yes," see detailed instructions.

NATURE OF AUTHORSHIP Briefly describe nature of material created by this author in which copyright is claimed.

3 YEAR IN WHICH CREATION OF THIS WORK WAS COMPLETED

1996

This information must be given in all cases.

DATE AND NATION OF FIRST PUBLICATION OF THIS PARTICULAR WORK

Complete this information ONLY if this work has been published. Month Day Year

August 10 1996

U.S.A.

4 COPYRIGHT CLAIMANT(S) Name and address must be given even if the claimant is the same as the author given in space 2.

Rachelle Sanborn
5900 S.W. 96th Street
Miami, FL 33155

TRANSFER If the claimant(s) name(s) given in space 4 is (are) different from the author(s) named in space 2, give a brief statement of how the claimant(s) obtained ownership of the copyright.

APPLICATION RECEIVED

ONE DEPOSIT RECEIVED

TWO DEPOSITS RECEIVED

FUNDS RECEIVED

DO NOT WRITE HERE OFFICE USE ONLY

Apr. 26 2000 01:52PM P5

CERTIFICATE OF REGISTRATION



This Certificate issued under the seal of the Copyright Office in accordance with title 17, United States Code, attests that registration has been made for the work identified below. The information on this certificate has been made a part of the Copyright Office records.

Marybeth Peters

REGISTER OF COPYRIGHTS

For a Literary Work
UNITED STATES COPYRIGHT OFFICE

TX 4-866-905



EFFECTIVE DATE OF REGISTRATION

10 19 98
Month Day Year

OFFICIAL SEAL

DO NOT WRITE ABOVE THIS LINE. IF YOU NEED MORE SPACE, ATTACH A CONTINUATION SHEET.

1

TITLE OF THIS WORK ▼

NATIONAL CREDIT DRIVE

PREVIOUS OR ALTERNATIVE TITLES ▼

PUBLICATION AS A CONTRIBUTION If this work was published as a contribution to a periodical, serial, or collection, give information about the collective work in which the contribution appeared. Title of Collective Work ▼

If published in a periodical or serial give: Volume ▼ Number ▼ Issue Date ▼ On Pages ▼

2

NAME OF AUTHOR ▼

a Rachelle Sanborn

Was this contribution to the work a "work made for hire"?
☐ Yes
☒ No

AUTHOR'S NATIONALITY OR DOMICILE
Name of Country
OR Citizen of U.S.A.
Domiciled in U.S.A.

DATES OF BIRTH AND DEATH

Year Born ▼ Year Died ▼

1965

WAS THIS AUTHOR'S CONTRIBUTION TO THE WORK

Anonymous? ☐ Yes ☒ No

Pseudonymous? ☐ Yes ☒ No

If the answer to either of these questions is "Yes," see detailed instructions.

NATURE OF AUTHORSHIP Briefly describe nature of material created by this author in which copyright is claimed. ▼

Entire text

NOTE

Under the law, the "author" of a "work made for hire" is generally the employer, not the employee (see instructions). For any part of this work that was "made for hire" check "Yes" in the space provided, give the employer (or other person for whom the work was prepared) as "Author" of that part, and leave the space for dates of birth and death blank.

b

NAME OF AUTHOR ▼

Was this contribution to the work a "work made for hire"?
☐ Yes
☒ No

AUTHOR'S NATIONALITY OR DOMICILE
Name of Country
OR Citizen of
Domiciled in

DATES OF BIRTH AND DEATH

Year Born ▼ Year Died ▼

WAS THIS AUTHOR'S CONTRIBUTION TO THE WORK

Anonymous? ☐ Yes ☒ No

Pseudonymous? ☐ Yes ☒ No

If the answer to either of these questions is "Yes," see detailed instructions.

NATURE OF AUTHORSHIP Briefly describe nature of material created by this author in which copyright is claimed. ▼

NAME OF AUTHOR ▼

Was this contribution to the work a "work made for hire"?
☐ Yes
☒ No

AUTHOR'S NATIONALITY OR DOMICILE
Name of Country
OR Citizen of
Domiciled in

DATES OF BIRTH AND DEATH

Year Born ▼ Year Died ▼

WAS THIS AUTHOR'S CONTRIBUTION TO THE WORK

Anonymous? ☐ Yes ☒ No

Pseudonymous? ☐ Yes ☒ No

If the answer to either of these questions is "Yes," see detailed instructions.

NATURE OF AUTHORSHIP Briefly describe nature of material created by this author in which copyright is claimed. ▼

3

YEAR IN WHICH CREATION OF THIS

WORK WAS COMPLETED
1998
This information must be given in all cases.

DATE AND NATION OF FIRST PUBLICATION OF THIS PARTICULAR WORK

Complete this information ONLY if this work has been published.
Month April Day 15 Year 1998
U.S.A. Nation

4

COPYRIGHT CLAIMANT(S) Name and address must be given even if the claimant is the same as the author given in space 2. ▼

Rachelle Sanborn
5900 S.W. 96 Street
Miami, FL 33156

TRANSFER If the claimant(s) named here in space 4 is (are) different from the author(s) named in space 2, give a brief statement of how the claimant(s) obtained ownership of the copyright. ▼

APPLICATION RECEIVED

OCT 19 1998

ONE DEPOSIT RECEIVED

OCT 19 1998

TWO DEPOSITS RECEIVED

10/19/98

FUNDS RECEIVED

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MORE ON BACK ▶

Complete all applicable sections of this page.
See detailed instructions.

DO NOT WRITE HERE

Page 1 of 2 pages

EXAMINED BY

TAM
CHECKED BY

FORM PA

☐ CORRESPONDENCE
Yes

FOR
COPYRIGHT
OFFICE
USE
ONLY

DO NOT WRITE ABOVE THIS LINE. IF YOU NEED MORE SPACE, USE A SEPARATE CONTINUATION SHEET.

PREVIOUS REGISTRATION Has registration for this work, or for an earlier version of this work, already been made in the Copyright Office?

a. Yes ☒ No ☐ If your answer is "Yes," why is another registration being sought? (Check appropriate box) ▼

a. This is the first published edition of a work previously registered in unpublished form.

b. This is the first application submitted by this author as copyright claimant.

c. This is a changed version of the work, as shown by space 6 on this application.

If your answer is "Yes," give: Previous Registration Number ▼

Year of Registration ▼

DERIVATIVE WORK OR COMPILATION Complete both space 6a & 6b for a derivative work; complete only 6b for a compilation.

a. Preexisting Material Identify any preexisting work or works that this work is based on or incorporates. ▼

b. Material Added to This Work Give a brief, general statement of the material that has been added to this work and in which copyright is claimed. ▼

DEPOSIT ACCOUNT If the registration fee is to be charged to a Deposit Account established in the Copyright Office, give name and number of Account.
Name ▼ Account Number ▼

CORRESPONDENCE Give name and address to which correspondence about this application should be sent. Name Address/Apt/City/State/Zip ▼

Robert M. Downey, Esq.

ROBERT M. DOWNEY, P.A.

701 Brickell Avenue, Suite 1480

Miami, Florida 33131

Area Code & Telephone Number ▶ (305) 374-7004

CERTIFICATION I, the undersigned, hereby certify that I am the

Check only one ▼

☐ author

☐ other copyright claimant

☐ owner of exclusive right(s)

☒ Authorized agent of Rachelle Sanborn

of the work identified in this application and that the statements made by me in this application are correct to the best of my knowledge.

Typed or printed name and date ▼ If this application gives a date of publication in space 3, do not sign and submit it before that date.

Robert M. Downey

da ▶ 2/3/97

Handwritten signature (X) Robert M. Downey

MAIL
CERTIFI-
CATE TO

Name ▼ Robert M. Downey, Esq.
ROBERT M. DOWNEY, P.A.

Number/Street Apartment Number ▼

701 Brickell Avenue, Suite 1480

City/State/Zip ▼

Miami, Florida 33131

Certificate
will be
mailed in
window
envelope

Instructions for Users
• Complete all necessary spaces
• Sign your registration in space 5

1. Application form
2. Nonrefundable \$20 filing fee
in check or money order
payable to Register of Copyrights
3. Deposit material
4. Payment of fee to
Register of Copyrights
Library of Congress
Washington, D.C. 20555

Any person who knowingly makes a false representation of a material fact in the application for copyright registration provided for by section 409 or in any written statement filed in connection with the application shall be fined not more than \$2,500.

SIMON, SIGALOS & SPYREDES

PROFESSIONAL ASSOCIATION
ATTORNEYS AT LAW
THE SANCTUARY CENTRE
4800 NORTH FEDERAL HIGHWAY
SUITE 100-D
BOCA RATON, FLORIDA 33431

MICHAEL W. SIMON
GEORGE L. SIGALOS
ANASTASIOS TOM SPYREDES

TELEPHONE (561) 447-0017
FACSIMILE (561) 447-0018

April 14, 2000

**VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED and
VIA REGULAR U.S. MAIL**

Denny Hecker Group Corporate
Attn: Denny Hecker
500 Ford Road
Minneapolis, Minnesota 55426

Automotive Credit Superstore
Attn: Michael Miller
2767 Long Lake Road
Roseville, Minnesota 55113

NOTICE TO CEASE and DESIST FROM VIOLATION OF COPYRIGHT

Dear Mr. Hecker and Mr. Miller:

This firm has been retained by Tech-Tronix, Inc., ("Tech-Tronix") with regard to its rights to protect its trademarks, service marks and copyrighting materials.

As you should know, Tech-Tronix owns the right to an informational commercial entitled "National Credit Drive." This work contains a large amount of wholly original material and is copyrighted subject matter under Title 17 of the United States Code. Tech-Tronix complies in all respects with the laws governing copyright and has secured exclusive rights and privileges in and to the copyright of said work. The material is proprietary to Tech-Tronix and protected under the United States copyright laws.

It is understood that you, individually or in conjunction with other persons or entities, infringed on copyright by producing and broadcasting a very similar version of the National Credit Drive entitled "The Keys to Financial Freedom."

In addition, it is also demanded that you immediately CEASE and DESIST from any further production, broadcasting and use of our clients' National Credit Drive or Keys to Financial Freedom informational commercials until payment for the outstanding commissions is received and an agreement regarding placement of media by Christopher Ad Group ("CAG") in the future is executed.



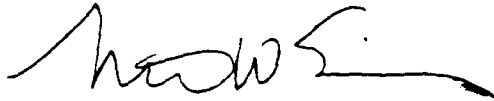
Denny Hecker
Michael Miller
Page Two

If you comply with the foregoing demands, we will consider the matter resolved and a business relationship with our clients in the future will be possible. Otherwise, our clients will move to institute litigation against you to obtain relief from your unlawful activities. Relief that shall be sought will be in the form of a preliminary injunction enjoining you, and all those in association with you, from continuing infringement. In addition, our clients will seek recovery of all costs incurred as a result of such litigation, and compensation for damages, along with an award of attorney fees. Criminal prosecution under U.S. Copyright Law may also be applicable.

We anticipate your immediate compliance and await your response.

PLEASE GOVERN YOURSELF ACCORDINGLY.

Very truly yours,



Michael W. Simon

MWS:smm

cc: Tech-Tronix, Inc.
Christopher Ad Group
Denny Hecker Group Corporate
Mike Nichols - Nichols Advertising
Michael Miller - Auto Credit Superstore
KMSP - Channel 9 - General Manager
WCCO - Channel 4 - General Manager
WFTC - Channel 29 - General Manager
KARE - Channel 11 - General Manager
KCCO - Channel 7 - General Manager
KMWB - Channel 23 - General Manager
KPXM - Channel 41 - General Manager
KSTP - Channel 5 - General Manager

G: Clients\Sanborn Copyright Correspondence\Hecker Letter

JS 44
(Rev. 12/96)

CIVIL COVER SHEET

03 - 20134

CIV - SEITZ

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS

TECH-TRONIX, INC.

(b) COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF Miami-Dade
(EXCEPT IN U.S. PLAINTIFF CASES)**DEFENDANTS**

DENNY HECKER AUTO GROUP, a Minnesota corporation, MICHAEL MILLER, MICHAEL NICHOLS, NICHOLS MEDIA CONSULTANTS, INC., a South Dakota corp.

COUNTY OF RESIDENCE OF FIRST LISTED DEFENDANT Minnesota
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

(c) ATTORNEYS (FIRM NAME, ADDRESS AND TELEPHONE NUMBER)Michael W. Simon, Esq. (561) 447-0017
Simon Sigalos & Spyredes, PA
120 East Palmetto Park Rd., Suite 100,
Boca Raton, Florida 33432**ATTORNEYS (IF KNOWN)**(d) CIRCLE COUNTY WHERE ACTION AROSE: DACE, MONROE, BROWARD, PALM BEACH, MARTIN, ST. LUCIE, INDIAN RIVER, OKEECHOBEE HIGHLANDS**II. BASIS OF JURISDICTION**

(PLACE AN "X" IN ONE BOX ONLY)

- ☐ 1 U.S. Government Plaintiff
- ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant
- ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES
(For Diversity Cases Only)

(PLACE AN "X" IN ONE BOX FOR PLAINTIFF AND ONE BOX FOR DEFENDANT)

- | | PTF | DEF | | PTF | DEF |
|---------------------------------------|----------------------------|----------------------------|---|---------------------------------------|---------------------------------------|
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input checked="" type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input checked="" type="checkbox"/> 5 |
| Citizen or Subject of Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. ORIGIN

(PLACE AN "X" IN ONE BOX ONLY)

- ☒ 1 Original Proceeding
- ☐ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from another district (specify)
- ☐ 6 Multidistrict Litigation
- ☐ 7 Appeal to District Judge from Magistrate Judgment

V. NATURE OF SUIT (PLACE AN "X" IN ONE BOX ONLY)

A CONTRACT	A TORTS	FORFEITURE/PENALTY	A BANKRUPTCY	A OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input checked="" type="checkbox"/> 152 Recovery of Defaulted Student Loans Excl. Veterans. <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury	<input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 A PROPERTY RIGHTS <input checked="" type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark
A REAL PROPERTY <input checked="" type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	A CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing, Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 440 Other Civil Rights	PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 Habeas Corpus: <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition	A LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor Mgmt. Relations <input type="checkbox"/> 730 Labor Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	B SOCIAL SECURITY <input type="checkbox"/> 861 HIA 1395ff. <input type="checkbox"/> 862 Black Lung 923 <input type="checkbox"/> 863 DIWC/DIWW 1405(g) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI 1405(g) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS - Third Party 26 USC 7609
				<input type="checkbox"/> 400 State Readjustment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce/ICC Rates/etc <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes <input type="checkbox"/> 890 Other Statutory Actions A OR B

VI. CAUSE OF ACTIONCITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE BRIEF STATEMENT OF CAUSE.
DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY

28 USC 1336 (8) Title 17 USC Copyright Violations and damages, accounting & injunctive relief.

LENGTH OF TRIAL

via _____ days estimated (for both sides to try entire case)

VII. REQUESTED IN COMPLAINT:CHECK IF THIS IS A CLASS ACTION
☐ UNDER F.R.C.P. 23DEMAND \$ 100,000 CHECK YES only if demanded in complaint.
JURY DEMAND: ☐ YES ☒ NO**VIII. RELATED CASE(S) IF ANY**

JUDGE _____

DOCKET NUMBER _____

DATE

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT # 767583 AMOUNT \$150.00 APPLYING IFP _____ JUDGE Seitz MAG. JUDGE Bandsstra